App. F. IX-4

1927-28

File No. 94/47

Previous References
G.M. 512-17-1410
G.M. 44-05-1-5
Jud. No. 773/B Section I

Serial Nos. 1457, 9

Later References
Confl Collection No. 170 of 1937

P 50

General and Revenue Secretariat.

Serial Nos. 1457, 9.

Part B for Aug 1930

SUBJECT

Closing the portion of Tuticurin Road which traverses the estate of the Indian Institute of Science

General and Revenue Secretariat. P.P. File No. 94 of 1927.

Serial No. 1

From

The Secy to the Resident
No 2475 A/10-3-28
Calling for the views
of the Mysore Govt in regard
to the proposal of the Director
Indian Institute of Science
to close a portion of the
Tumkur road which traverses
the estate of the Indian
Institute of Science
Subd with 2 drgs

J
14/3

Secy
12/3

Govt Secy

For perusal
The Hon Member
Rao
Ch Secy

RG
13/3/28
Secy
14/3

Secy
14/3.

CSM
14/3

Issue and pump
Secy
15/3

Resubd after issue.
J
17/3 Subd for perusal

Secy
19/3

Diwan)

CHIEF SECRETARY.
14 MAR. 1928

OFFICE OF THE THIRD MEMBER OF COUNCIL.
14 MAR. 1928
No. 8943

WAN'S OFFICE.
Received on
20. MAR. 1928
5992

NOTE—Contn. sheet.

W.O. 05-1-28-B-60,000-24 & 27

General and Revenue Secretariat.

File No. 94 of 1927 3428

Serial No.	
	The Proposal affects the Tambaram Road which is in charge of the P.W.D. Besides, it appears that there are some private reserves with the P.W.D. Secy. The Chief Engineer's views may also perhaps be called for. Please put up draft. 9/3/28
	Draft put up. 9/3/28
	Issued 23/3/28
2	No 4923 dated 17.3.28. To The Munl Comr thro The Presidt Tambaram City Municipality Copies of Correspondence received from The Residency in The matter of closing a portion of The Tambaram Road and invites The opinion of The Munl Cl. for 10th & 19.3.28. To The Secy to The Resident— Informs that The question is engaging The attention of Govt and a reply will be sent early.
3	No 4968 dated 24.3.28. To The Chief Engineer Secy PWD Calls for his opinion in The matter with his office records, if any.

NOTE—Contn. sheet.

WD 0324 —GPB—60,000—24 5-27

General and Revenue Secretariat.

PP File No. 94 of 1927. 3426

Serial No. 4.

From the Secy to the Resident
Letter No 3466 dated 4.4.28
forwarding a copy of another letter
dt 27.3.28 from the Director of the
Indian Instt of Science, in the matter
and Calling for an early reply —
Opt forwarding the copy of the letter
from the Dir: of I.I. of Science to the
Municipal Comr & to the Chief Engr
is suggested

4/4.

For perusal replies
are due from the Bangalore
Municipality and the C. E.

Gen. Secy)
Please see note A herewith &
send an interim reply

Draft reply is submitted.

Secy
10/4

To
The Municipal Comr
The Chief Engineer.
5089-90 M 10/4/28
Forwarding copy of SL4
& requesting that the opinion
already called for may be
expedited.

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat.

P/ File No. 94 of 1927. 3756

Serial No. 6

From

The Chief Engineer

No 9394 M 18/4/28

Forwarding for information the file of correspondence re closing the portion of the Timkur Road which traverses the estate of the Indian Institute of Science.

Subd

Reply from the Municipal Comr may perhaps be awaited.

J. 24/4

for perusal Remarks of President Bangalore municipality

Rec 24/4

Draft put up.

J. 26/4

Issue Rec 26/4

Issued 26/4

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. P.P. File No. 911 of 1927.

Serial No. 7

From.

The Municipal Comm
Bangalore
No B2-10790-27 dt 5/5/28

Stating that the Municipal Council are entirely in favour of the proposed diversion of the portion of the Turkish Road as marked in the plan

Sent with a Draft to the Residency.

L.S.G. Branch may perhaps also be consulted.

7/5/28.

The Director of the Indian Institute of Science, has proposed that a portion of the Bangalore Tucker Road ~~near residency~~ which traverses the grounds of the Institute, may be closed. This portion of the Road is marked B. in the plan. This bit is now being maintained by the P.W.D as part of the Tucker Road If this proposal is agreed to,

Flag H

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. | File No. of 192

Serial No.

H

R

the road will have to be diverted as at C, (S Lower in red).

The reason for this proposal as can be gathered from the copies of the Correspondence between the Director and the Residency, is that this road has rendered useless the triangular portion of the grounds of the Institute between B & C. The idea appears to be to put up some buildings on this area.

The Bangalore City Municipal Council who were consulted are entirely in favour of diverting the Road. This question was considered in 1922 September 1926, the Committee with the representation made by Mr. Venkatarangiah Iyengar Ml. Councillor, Malleswaram, to the Dewan. The P. W. D. were also very strongly opposed to the proposed diversion. Kindly attention is invited to the note of the P. W. D. Secy, and the orders

D

NOTE—Contn. sheet

General and Revenue Secretariat. | File No. 3928 of 1927.

Serial No.

of the Deccan Thana. The P. W. D then Contended that if the deviation was to be Sanctioned at all, the Cost Should be borne by the municipality. It is doubtful whether the present resolution of the Municipal Council can be taken to mean that they are prepared to undertake the responsibility for the deviation.

On the last occasion the P. W. D. had pointed out certain disadvantages in deviating the road.

As the deviation has to be undertaken for the Convenience of the Institute, the Cost of the work must come it appears reasonable to ask the Institute authorities to meet the Cost of the work.

Yes
15/5

Gen'l Secy)

I do not think we should have the present road is a source of in- convenience to the Inst. of Science

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

3928

App. F. III—2]

General and Revenue Secretariat. File No. 94 of 1927

Serial No.

To close it looks a great public inconvenience. Attitude

Why it should be closed, the file may have to be sent to the Ch. Sec (Bangalore Municipality being concerned).

RR 16/5/28

CHIEF SECRETARY RECEIVED 18 MAY 1928

It is not quite clear to me whether the triangular plot claimed really belongs to the Institute. Considering the description of the boundaries contained in the Note of 14th March 1907, it would look as if the ground terminates on the Southern side at the Trunk road. The P. W. D may be consulted and the plans showing the boundaries of the assigned land (vide Chief Engineer's memo dated 30th March 1907) and the one prepared by the Joshi obtained for reference—

Please do this RR 19/5/28 RR 19/5

See corg with enclts RRR 18/5

MMR

Draft submitted

MMR 21/5. Forwarded with compliments to the Chief Engineer and Secretary, P.W.D, for favour of opinion. The plans referred to may also be kindly forwarded for reference.

RC No 5-8-27/C&S dated 22.5.28

For General Secretary to G

117 PWD

NOTE—Contn. sheet

22/5

23/5

WD 0324—GPB—60,000—24-5-27

MMR 21/5/28.

Serial No.

Memo No 229 | P.W.D 16.6.28.

1 Plan
2 Copies each
1 Statement each
from P.W.D

C

Returned, with compliments.

2. The plan available in this office is put up for information.

3. It would seem therefore that the triangular plot referred to is within the grounds assigned to the Institute.

4. It is a point however what useful purpose the plot would serve to the Institute. As already observed in this office Note No.D.339 dated 19th October 1926, the deviation of the road is not desirable. It is the only correct alignment for the road coming from Bangalore and passing over Sankey's tank bund. We have had the right of way for over 20 years. I do not think it was intended that this trunk road should be deviated in the manner proposed. If it is decided to adopt the deviation, it is a point if the cost of the deviation be not borne by the Municipality or Institute or both, as the expenditure is not a legitimate charge upon Government.

D

16/6.

16.6.28
CHIEF ENGINEER IN MYSORE.

N.J.P.

16/6/28.

(Secy) 16/6

Please put up previous papers (Secy)

Note Contn. sheet.

CHIEF SECRETARY. 23 JUNE 1928

CHIEF SECRETARY. 19 JUNE 1928

WD 395—GBP—5000—31-8-23

(Ch. Secy) 19/6

Please put up draft letter for Secretary's sig. 19/6

3928 App. F. III—2]

General and Revenue Secretariat. File No. of 192 .

DEWAN'S OFFICE
Received on
11. JUL. 1928
Reg. No. 2279

CHIEF SECRETARY'S
25 JUNE 1928

Serial No.

Dupty Sctrl
ku
25/6/28.

As no inconvenience is caused to the Institute by the existence of the road, the Director may be requested not to press for its deviation. Returned with compliments to

Genl Secy

Genl
28/6.

DG
Rg
30/6

Genl
30/6

2/7/28

Draft / Secl - 9/7.

Cert.
Plan brings up
Rg
9/7/28

9/7 2/7 Revised draft reply Secl for Consideration

Secy
9/7

Secretary

408
9/7

Hon'ble Member

Dewan

Rg
9/7/28

Secy
9/7

My hearty
ku
10/7/28

Rg
10/7

10/7

Jm
11-7-28

Secy
Rg
12/7/28

12/7

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat.

P.P. File No. 94 of 1927 994

Serial No. 9

To

The Secy to the Resident
No Pol 46 M 13/7/28
Stating that in
the circumstances explained
it is not desirable
to make any change in the
existing road.
Result?
Copies of the reply
sent to the Residency.
Many enclosures to send
to the Municipal Comm.
& the Chief Engr.
Draft sent herewith

2/Cm 14/7

Mee
14/7

Genl Secy)
I think we had better wait for further
developments
Roy
16/7/28
Mee
16/7

10 From The Secy to the Resident
No 9681 M 16/10/28
forwarding a Copy
of a letter from the Direct.

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

Serial No.

Indian Institute of Science requests that in the circumstances explained the question of closing that portion of the Tumkur Road which traverses the estate of the Institute may be reconsidered.

Submit for orders.

L. 26/10

7/10

for favour of remarks with ref^e. to the letter of the Dir. of the Institute of 3.10.28

Ch. Engineer with Compts.

R.J. 30/10/28

5211.28

NOTE—Contn. sheet

General and Revenue Secretariat

RP File No. 654 of 192

Serial No.

Lr[illegible] no 139 PWD
25. 2. 29

Returned, with compliments.

2. The Dewan inspected the spot and did not approve of the deviation of the road. No estimate has therefore been prepared for the work.

Jno Bhore
23.2.29
Chief Engineer of Mysore.

Bangalore,
25th February 1929.

25/2/29

Secd

Ppr/para 4 of the letter of the Director a copy of which is enclosed to the present Residency letter it is stated that the road proposed to be closed has already been assigned to the Executive Engr in Comm for the purpose of the Institute

25/2 (Gen'l Secy) 27/2/29

Ans. Please speak to me

RG
28/2/29

NOTE—Contn. sheet

General and Revenue Secretariat. | File No. of 192

Serial No.

The following note is submitted as personally directed by the Assistant Secretary.

The Director, Indian Institute of Science, proposed in March 1928 that a portion of the Bangalore-Tumkur Road which traverses the grounds of the Institute may be closed as the road has rendered useless the triangular bit of the grounds of the Institute.

The Bangalore City Municipal Council who were consulted in the matter were entirely in favour of the proposal, the road being directed outside the limits of the Institute.

But the Public Works Department was opposed to the proposed diversion of the road.

The Residency was accordingly informed that Government are advised that it is not desirable to make any change in the existing road.

The Director has now asked for a reconsideration of the matter on the following grounds:-

(i) the proposed deviation is in equally correct alignment with the road now running from the Cantonment past the Rifle Butts and it would not curve the Sankey's Tank road to an extent any greater than to which the Rifle Butts road is now curved;

(ii) it would be a simple matter to soften the only curve which would be brought in by the proposed deviation;

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

General and Revenue Secretariat. | File No. 1654 of 192

Serial No.

(iii) the road which is sought to be closed now has actually been assigned to the Governor General in Council for the purpose of the institute;

(iv) the development of the institute has made it necessary to construct some buildings on the triangular bit of land which is prevented by the existence of the road;

(v) the advice tendered to His Highness' Governmen has the unforeseen effect of materially diminishing the value of His Highness' princely benefaction.

The Chief Engineer who was again consulted in th matter states that the Dewan inspected the spot and did not approve of the deviation of the road.

The important point for consideration is whether the closing of the road can be refused perticularly in view of the fact that the road has already been assigned without any reservation as to right of way &c.

Please bring up
RJ
4/3/29.

Gen' Secy) 4/3/29

~~2nd~~

with reference to the last para the Dr's plan to build a house (had to speak to the Law Secy ~~today~~ on Saturday the 20th inst

Ex 18/7/29

29/7/29

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

4284 P&S

App. F. III—2]

General and Revenue Secretariat. File.No. of 192

Serial No.

Subd work as noted
on the point of land involved

3rd Member

DEWAN'S OFFICE
7 - MAR. 1930
No. 3805

The lawyers of parties that
legally, we cannot contend that the
public have a right of way over the
land.

Subd as directed

3rd Member

The lawyers, whom I have given to
file affidavits, discussed this matter
on the 4th inst. They say that legally
the claims of the Institute of Science is
valid. Please submit to the Dewan

6/3/30

Dd 6/3/30

May I do so

Mr. Dewan

20 - 3 - 30

For perusal

3rd member 21/3/30

WD 01714—GPB—30,000—18-4-28

General and Revenue Secretariat. File No. of 192

Serial No.

Sir,

The Chief Engr has again sent a reminder in the matter & it is placed in the file. Perhaps the file may be sent to the Ch. Engr for perusal of the Govt's orders in favour of return.

24/3/30

Forwarded, with compliments, to the Chief Engineer of Mysore for favour of perusal and return.

By Order,
Subbarayappa
for Gen'l Secy to Govt.

24/3/30

Noted and returned, with Compliments

26.3.30
Chief Engineer.

Submd for perusal

These papers will if approved be recorded, as no further action need perhaps be taken unless the Institute authorities again remind us

19/8/30
Chief Secy

20/8.

NOTE.—Contn. sheet

CHIEF SECRETARIAT
11 AUG. 1930

W.P. 0324—3PB—60,000—24-5-27

General and Revenue Secretariat | File No. | of 193

13

Serial No.

From the Chief Engr

Letter No 107/28 D 15th January 1931 with ref to Corrn ending with his U-O No 212 D 26-3-30 requests that his Office file Containing the Dewan's orders on the work re the deviation of the Tuticorin Road near the Indian Institute of Science "may lie over for the present," may be returned early.

(Flag B)

Dewan's orders that "the file may lie over for the present" are contained in the P.P. file 94-27 placed below. The papers belonging to the Chief Engineer's Office (referred to in Chief Engr's letter No 9394 D 18/4/28 - Serial 6 of the PP file 94 of 27) are separated & kept below. As the Chief Engr requests for the file in which the Dewan's order are passed, this file may if approved be sent to Chief Engr's Office unofficially to take back their Office papers and to return the P.P. collection, after perusal of Dewan's order referred to

P.W.D. Co. No. 255 D/27.1.31.

50/M

G.O. No

& 23.1.31

by 22/1/31 Asst Sec

Chief Engineer's Office.

Yes Secy 29/1/31.

NOTE—Contn. Sheet.

WD 02553-G PB—50,000-8-7-30

File No. of 193 General and Revenue Secretariat

Returned, with compliments, to the General Secretary to Government, after taking back this office file on the subject.

P.W.D.W.O.No. 2552/30.

for Chief Engineer of Mysore.

871/31

Bengalore,
30th January 1931.

98
3/2/31.

3/2

PP.94-27-1

C.B.34

THE MYSORE RESIDENCY,
BANGALORE,
Dated, 10th March, 1928.

D.O.No. 2475 Secret 4

PP
14/3/28

PROPOSAL TO CLOSE THAT PORTION OF THE TUMKUR ROAD WHICH TRAVERSES THE ESTATE OF THE INDIAN INSTITUTE OF SCIENCE.

Dear Mr. Madhava Rao

I am desired to forward copies of the marginally noted correspondence, and to request that the Resident may be favoured with the views of the Mysore Government. The plan* received from the Collector, Civil and Military Station, Bangalore, is also enclosed.

1. Letter No.H_2-9283, dated the 30th November, 1927, from the Director, Indian Institute of Science.
2. Residency letter No.12295, dated the 6th December, 1927, to the Director, Indian Institute of Science.
3. Letter No.H_2-9889, dated the 10th December, 1927, from the Director, Indian Institute of Science.

* Return requested.

The portion of the road which is required to be closed is that marked B in blue on plan.

I am to request the favour of an early reply.

Yours sincerely,
[illegible]

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Letter No. H_2-9823, dated the 30th November, 1927, from the Director, Indian Institute of Science, Bangalore, to the Secretary to the Hon'ble the Resident in Mysore, Bangalore.

My Council desires to utilise the triangular area which forms the south-western corner of the Institute estate and is now separated from the main area by the public road from Bangalore Cantonment to Tumkur.

At a period which appears to have closed about four years ago, the City Municipal Council evidently considered this desirable from its own standpoint, and on 27th March 1923, I informed Mr. S. Venkatarangiengar, (Municipal Councillor, - - Malleswaram) by whom I had previously been approached on the subject, that my Council is willing to proceed with the matter.

From the large-scale map of the estate in my office it is evident that, when the estate was conveyed by the Mysore Darbar, a new road was contemplated to run due west from the Institute entrance opposite the Jewell Filter and to join the Bangalore City-Tumkur road just west of the old police lines and at the S.W. point of the Institute estate, the idea being thus to eliminate one Ookad.

My Council has now resolved "that the proper authority be petitioned to close that portion of the Tumkur Road which traverses the Institute estate", and I shall be greatly obliged if you will kindly advise me as to my proper procedure, because I am not clear whether I ought to approach the Mysore Government or Bangalore City Municipal Council.

---:oOo:---
" C O P Y "

Demi-official letter No.12295, dated the 6th December, 1928, from Major K.A.G. Evans Gordon, Secretary to the Resident in -- Mysore, to Dr. M.O. Forster, F.R.S., Director, Indian Institute of Science, Bangalore.

Please refer to your demi-official letter No.H_2-9823, dated the 30th November, 1927, regarding the utilisation of the - - triangular area which forms the south-western corner of the -- Institute estate.

2. It is desirable, at all events, since the estate (in which you state the area proposed to be closed is included) was conveyed by the Mysore Government, to address that Government, and they will, if necessary, ascertain the views of the Bangalore City Municipal Council.

3. If you agree, the matter will be placed before the Government of Mysore, and for the purpose I request that I may be favoured with a plan of the Institute estate with the area concerned demarcated, and with any other remarks that you may wish to offer in addition to those conveyed in your letter under reference, for the consideration of the Government of Mysore.

4. I enclose a plan which was received from the Collector, Civil and Military Station, Bangalore, in 1923 when this - - question was raised, for your reference and favour of return.

---:oOo:---
" C O P Y "

Demi-official letter No.H_2-9889, dated the 10th December, 1927, from Dr. M.O. Forster, F.R.S., Director, Indian Institute of Science, Bangalore, to Major K.A.G. Evans Gordon, Secretary to the Hon'ble the Resident in Mysore, Bangalore.

I am greatly obliged by your demi-official letter No.12295, dated 6th December, 1927, and enclosing a plan received from the Collector, Civil and Military Station, Bangalore, in 1923.

2. This plan I now return with a (broken) red line showing the area at present separated from the rest of the estate by the western section of the Tumkur Road, and which my Council desires to utilise.

3. Owing to the arid character of the northern (undeveloped) section - the tip of the tongue on your plan - and its relative inconvenience of access, the southern portion is that which invites additional buildings, but the triangle indicated cannot be used for anything permanent while the Tumkur Road remains undiverted.

4. This road, at one time comparatively peaceful, is now traversed at frequent intervals by public motor-conveyances, and the resulting dust is a great nuisance to the occupants of buildings already standing on its northern side.

5. You will place the Institute under a substantial obligation, therefore, if you will very kindly bring the matter before the Government of Mysore with such support as you may feel disposed to give.

---:oOo:---

" C O P Y "

C.R. Srikantia Iyer

for REGISTRAR, RESIDENT'S OFFICE.

ISSUED.

Present

4923/PP94-27-2

Encs B+1 plan 17/3/4

The Municipal Commissioner,

Bangalore City Municipal Council

(Through the President)

Dear Sir,

I am desired to forward herewith copies of the marginally noted letters, about the proposal of the Director, Indian Institute of Science, to close a portion of the Tumkur Road which traverses the estate of the Indian Institute of Science, and to request you kindly favour Government with the views of the Municipal Council in the matter as early as possible.

The portion of the road proposed to be closed is marked B in blue on the enclosed plan (to be kindly returned with the reply

Yours sincerely,

RB
13/3.

for GENERAL SECRETARY TO GOVT.

1. Letter No.H -9283, dated the 30th November 1927, from the Director, Indian Institute of Science.

2. Residency letter No.12295 dated the 6th December 1927, to the Director, Indian Institute of Science.

3. Letter No.H -9889, dated the 10th December 1927, from the Director, Indian Institute of Science.

No 1080 /PPG 4-27 —

Dated 19 3 1928.

The Secretary to the Hon'ble the
Resident in Mysore, Bangalore.

Dear Sir,

I am desired to acknowledge the receipt of your D. O. letter No.2475 dated the 10th instant, on the subject of closing the portion of Tumkur Road which traverses the estate of the Indian Institute of Science, addressed to Mr.Madhava Rao and to state that the matter is engaging the attention of His Highness' Government and that a ~~final~~ reply will be sent to you as early as practicable.

Yours sincerely,

15/3.

~~for~~ GENERAL SECRETARY TO GOVT.

B.K.M.

15/3/28

ISSUED.

4968 / PP94-27-3

Encs 3 dated 24/3/28

Dear Sir,

I am desired to forward herewith copies of the marginally noted letters, about the proposal of the Director, Indian Institute of Science, to close a portion of the Tumkur Road which traverses the estate of the Indian Institute of Science, and to request you to kindly favour Government with your views in the matter as early as possible. Previous references if any on the subject in your office may also be kindly sent for reference and return.

1. Letter No.H_2-9283 dated the 30th November 1927, from the Director, Indian Institute of Science
2. Residency letter No.12295 dated the 6th December 1927, to the Director, Indian Institute of Science.
3. Letter No.H_2-9889, dated the 10th December 1927, from the Director, Indian Institute of Science.

Yours sincerely,

To

JOHN BHORE ESQ., A.M.I.C.E.,

Chief Engineer and Secretary to Government,

Public Works Department, Bangalore.

D.O.No. 3466 Genl

THE MYSORE RESIDENCY,

Bangalore 4th April 1928.

Proposal to close that portion of the Tumkur Road which traverses the estate of the Indian Institute of Science.

GP 3634

PP 94-29-4.

Dear Sir,

I am desired to invite a reference to the correspondence ending with your demi-official letter No.Pol. 1080, dated the 19th March 1928, and to forward, for favour of necessary action, a copy of a letter No.H2-452, dated the 27th March 1928, from the Director, Indian Institute of Science, Bangalore.

I am to request the favour of an early reply.

Yours Sincerely,

A.Srikanta Iyer

for Major K.A.G.Evans Gordon.

R. Ranga Rao, Esq., B.A., B.L.,
General Secretary to the Government of
His Highness the Maharaja of Mysore.

B.J

Letter No. H2-452, dated the 27th March 1928, from the Director, Indian Institute of Science, Bangalore, to the Secretary to the British Resident in Mysore, Bangalore.

---:0:---

Proposal to close that portion of the Tumkur Road which traverses the estate of the Indian Institute of Science.

I have the honour to acknowledge your demi-official letter No.2476, dated the 10th March 1928, covering a preliminary report on the above subject which was duly laid before my Council at its meeting on 19th March 1928.

2. On Saturday last, 24th March, I received a friendly visit from Mr. S. Venkata Rangaiyengar, the gentleman to whom I referred in paragraph 2 of my letter H_2-9823 dated 30th November 1927: from our conversation it became clear that the matter will be expedited if application is made to the Mysore Government to proceed with the construction of the new road contemplated to run due west from the Institute entrance, and to join the Bangalore City-Tumkur Road at the S.W. point of the Institute estate.

3. I confess it had not occurred to me that the matter should be presented in this form because the construction of the new road is so obviously a necessary preliminary to closing the old one.

4. However, with a view to eliminating further unnecessary delay I hereby formally request that the Mysore Government may kindly be petitioned to construct the contemplated new road from the Institute entrance due west to the Bangalore City-Tumkur Road, which it should join at the S.W. point of the Institute estate.

---:0:---

"C O P Y"

C.R. Srikanta Iyer

for REGISTRAR, RESIDENT'S OFFICE.

BJ

R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

ISSUED.

[Here enter letter No. H2-452 dated 27.3.28 from The Dir. I.I. of Science 5089-90 No PP 94-27-5 date 1/4/28

Copy of the above is forwarded with Compliments to the

(1) The Memb Comm Tho The Mayor

(2) The Chief Engineer & Secy P.W.D

in Continuation of this office letter No (1) 4923/PP 94-27-2 dt 17.3.28

(2) 4968/PP 94-27-3 dt 24.3.28

with a Request that the Opinion already Called for may Kindly be expedited.

By order

Secy to Govt

GSG

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section M

File No. 96-4.

Serial No.

No. Pol. 1168.

Diary No. of letter replied to.....

To

The Secretary to the Hon'ble
The Resident in Mysore

General and Revenue Secretariat

( )

the 192

Sir,

Date of issue 11-4-1928

Signed by Mr. M. Seshadri

With reference to your letter
D.O. No 3466, dated 4th April 1928,
forwarding a copy of letter No: H2-452
dated the 27th March 1928, from
the Director Indian Institute of Science
Bangalore, and asking for an early reply
regarding the proposal to close
that portion of the Tumkur Road
which traverses the estate of the
Indian Institute of Science, I
am directed to state that the
matter is ~~under investigation~~ and
that a reply ~~final decision~~ will

List of enclosures.....

Copied by B/R

Examined by 11/4/25

over

WD 01265—GPB—31,000—24-12-25

~~matter~~ will be sent to you as early as possible.

I have etc.

for General Secretary.

April 8

MAJOR K.A.G.EVANS GORDON,

Secretary to the Hon'ble the Resident in Mysore

With reference to your letter D.O.No.3466 dated 4th April 1928, forwarding a copy of letter No.H_2-452 dated the 27th March 1928, from the Director Indian Institute of Science Bangalore and asking for an early reply regarding the proposal to close that portion of the Tumkur Road which traverses the estate of the Indian Institute of Science, I am directed to state that the matter is under consideration and that a reply will be sent to you as early as possible.

I have the honor to be,

Sir,

Your most obedient servant,

GENERAL SECRETARY TO GOVERNMENT.

B.K.M.2

No. 9394 Myst

Enc 2 Secting Files

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,

Dated Bangalore, 18/4/ *192* 8.

FROM

JOHN BHORE, ESQ., A.M.I.C.E.,
Chief Engineer of Mysore,
Bangalore.

CR3756

PP94-27-6

To

R. Ranga Rao, Esq., B.A., B.L.,
General Secretary to the Government of Mysore,
B a n g a l o r e.

FP 19/4/28 IV

SIR,

With reference to correspondence ending with your No.5090/P.P. 94-27-5 dated the 10th April 1928, re the proposal to close the portion of the Tumkur road which traverses the estate of the Indian Institute o Science, I have the honour to forward herewith, for information, this - office file of correspondence containing my views on the subject. The case has been explained in Public Works Secretary's Note No.D.339 dated the 19th October 1926, and as per orders of Government thereon, the --- President, City Municipal Council, Bangalore, was addressed to take --- necessary action in the matter-

I have the honour to be,

Sir,

Your most obedient servant,

Jno Bhore 19.4.28

CHIEF ENGINEER OF MYSORE.

T.R.S.

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

5403
PP 94-B Dt 26/4/28

The Municipal
Comr, Bangalor
(Through the Presid

Dear Sir,

I am desire
to invite reference
to this Office Do Letter
No 4923/PP. 94-29-
of the 17th instant & a
about the proposa
of the Director, Ind
Institute of Science,
to close a portion of
the Tumkur Road whi
traverses the estate
of the Indian Institu
of Science, and
to request that
the Opinion there
called for may
kindly be furnish
as early as poss

Yours Sin

for

WD 2230—GPB—1,00,000—23-7-20

"All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name."

No. 4388 ENCLOS. 30-1923

Dated Bangalore, 3rd May 1928.

Pol. 1329

FROM Major K. A. G. Evans Gordon, 13391/8

SECRETARY TO THE RESIDENT IN MYSORE.

PP 94-27.

28933 To The General Secretary to the Government of His Highness the Maharaja of Mysore.

GEN. & REV. SECTT. BR. C.B. 4 MAY 1928 PP G. D. SECTION.

Subject :— Proposal to close that portion of the Tumkur Road which traverses the estate of the Indian Institute of Science.

SIR,

I am directed to invite a reference to the correspondence ending with your letter No. Pol.1168/PP.94-27, dated the 11th April 1928, and to request the favour of an early reply.

I have the honour to be,
Sir,
Your most obedient servant,

Captain.
for SECRETARY TO THE RESIDENT.

WB.

BJ

Please wait in the 12th if no objection, reminder may be sent.

Sent with a draft reply to the Municipal Comm. from whom the reference is due was reminded last on 26/4/28.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Routine Notes.

(To be used only for notes, requisitions, etc., not intended for permanent record.)

B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

Pol. 1281
To / SP 94-27 -
dated 10/5/1928.

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form.*)

The Secy to the Resident

Sir,

I with refe to your letter No 43887 30-1923 of the 3rd May 1928, about the proposal of the Director, Indian Institute of Science, to close a portion of the Tumkur Road which traverses the estate of the Indian Institute of Science, I am directed to state that the matter is under correspondence and that a final reply will be sent to you as early as possible.

I have etc

RB

for Secy

WD 2230 -GPB—1,00,000—23-7-20

No. B2-1079 of 27/28

Encls. 3.

CITY MUNICIPAL OFFICE,

Bangalore City, Dated 4th May 1928.

5

CD 3928.

PP 94-27-7

From

T. GOVINDA ROW, Esq.,
MUNICIPAL COMMISSIONER, CITY MUNCIPALITY,
BANGALORE CITY.

To

N. Madhava Rao Esq.,B.A.,B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
B a n g a l o r e.

S i r, 3756

With reference to your D.O. letter No.4923 P.P.94-27/2 dated 17th March 1928 and subsequent reminder No.5403. P.P.94-27 dated 26th April 1928 in the matter of the proposal of the Director, Indian Institute of Science to close a portion of the Tumkur Road which traverses the grounds of the Indian Institute of Science, I have the honor to state that the Municipal Council are entirely in favour of the proposed diversion of the portion of the Tumkur Road as marked in the plan. A copy of the resolution of the Municipal Council is enclosed.

2. The plan received with the letter under reply is returned.

I have the honor to be,
Sir,
Your most obedient servant,

For Municipal Commissioner.
(on leave)

Forwarded with compliments

President.

Proceedings of an adjourned general meeting of the City Municipal Council, Bangalore, held on Monday the 23rd April 1928 at 5.P.M. in the Council Chamber.

Present.

Khan Bahadur Mohamed Abbas Khan (President)

Councillors.

1. Dr. ..H.Hanumanthappa
2. " Bolur Srinivasiengar B.A.,B.L.
3. " . Obalaiah
4. " . . Garudachar
5. " Dr.D.Venkataramanappa.
6. " Hoskote Chadreppa
7. " D.. Lachappa
8. " D. Siddaveerappa
9. " K. Maniswamy
10. " D. Gopalakrishna Rao
11. " V. Narasinga Rao B.A.,B.L.
12. " Rao Bahadur Dr. C.D.Naga Rao M.D.
13. " Venkataranjiengar
14. Dr.N.Balakrishniah B.A.LL.B
15. " V.Vajapey
16. " H. Royan
17. " Doddakh S.Govinda Rao

Absent.

1. Dr.D.D. Naidu
2. " P.Jaborama Chetty
3. " S.M.M. Naavi
4. " B.C.Chickanarajandappa
5. " S.S.N.Raghavendrachar B.A.
6. " A.Venkatavierar B.A.,
7. Dr.J.M.Isaac,B.A., .L.L.
8. " Capt.Y.V.Ayya
9. " Syed Abdul Khader
10. " B.Kempanna
11. " Saligram Narayana Rao
12. " Chickmanianiah

Proceedings of the Council Meetingkx held on 23-4-1928.

---

33. To consider letter No.4923/P.P. 94-27-2 dated 17th March 1928, from the General Secretary to Government, calling for the views of the Municipal Council in the matter of the diversion of a portion of the Tumkur Road, which traverses the xix estate of the Indian Institute of Science.

Resolution:-- That the Government be informed that the Council are entirely in favour of the proposed diversion of the portion of the Tumkur Road as marked in the plan.

Sd. Mohamed Abbas Khan

President.

Copy

For Municipal Commissioner

Pol.46. dated 13-7-1928.

PP 94-27-9

dated.

To

The Secretary to the Hon'ble the

Resident in Mysore.

Subject:- Closing the portion of Tumkur Road which traverses the estate of the Indian Institute of Science.

Sir,

In continuation of this office letter No.Pol.1281 dated the 10th May 1928 on the above subject I am directed to state that the existing road which traverses the estate of the Indian Institute of Science is reported to be a correct alignment of the road running on the Sankey's tank bund and that a deviation of the road in the manner suggested will bring in two reverse curves within a short distance of 3 furlongs, which is not desirable, and that the Old Tumkur Road is not suited for a Provincial road. His Highness' Government are accordingly advised that it is not desirable to make any change in the existing road.

In these circumstances there seems to be no adequate reason for its deviation.

I have etc.,

RG
9/7/28

GENERAL SECRETARY TO GOVT.

B.K.M.

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

NO. 9681 ENC. 2
30-1923

CR 1654

FROM

A. C. Lothian, Esquire, I.C.S.,

SECRETARY TO THE RESIDENT IN MYSORE.

Mysore
PR
16/10/28

To

The General Secretary to the Government of

His Highness the Maharaja of Mysore.

Dated Bangalore, 16th Oct. *1928* .

Subject.

Proposal to close that portion of the Tumkur Road which traverses the estate of the Indian Institute of Science.

SIR,

M

With reference to your letter No.Pol.46/P.P.94-27-9 dated the 13th July, 1928, I am directed to forward a copy of letter No.H_2-1587, dated the 3rd October, 1928, with * enclosures, from the Director, Indian Institute of Science Bangalore. The Resident will be glad if the Mysore Government can see their way to reconsider the matter favourably.

Return requested.

I have the honour to be,

Sir,

Your most obedient servant,

W. J. Thomson Captain

~~For~~ SECRETARY TO THE RESIDENT.

(on tour) AJ

Letter No. H_2-1587, dated the 3rd October, 1928, from the Director, Indian Institute of Science, Bangalore, to the Secretar to the British Resident in Mysore, Bangalore.

---:0:---

Proposal to close that portion of the Tumkur Road which traverses the estate of the Indian Institute of Science.

I have the honour to invite your kind attention to the correspondence resting with your communication No.6852, dated 21st July, 1928, covering a copy of the letter No. Pol.46/P.P. 94-27-9, dated 13th July, 1928, from the General Secretary to the Government of His Highness the Maharaja of Mysore on the above subject.

2. With reference to the advice therein stated to have bee given to His Highness's Government, I desire to point out that although the existing road now traversing the Institute estate is a correct alignment of the road running on the Sankey's Tank bund, the proposed deviation is in equally correct alighment with the road now running from the Cantonment past the Rifle Butts. The proposed deviation would not curve the Sankey's Tank road to an extent any greater than that to which the Rifle Butts road is now curved at the point of the Institute entrance.

3. Thus only one curve deserving the title would be brough in by the proposed deviation, namely, at the South-Westerly point of the estate, where the new road would join the Old Tumkur Road near the City Municipal Boundary stone No.29. An examinati of the site at this point will show that it would be a simple matter substantially to soften this curve while still keeping t junction south of the Ookad.

4. The fundamental aspect of the discussion, however, is t fact that the road which it is sought to close has actually been assigned by His Highness the Maharaja of Mysore to the Governor-General of India in Council for the purposes of the Institute, as clearly stated in the Schedule to the Vesting Order (see page 20 of the accompanying pamphlet). If this be read in conjunction w the map, it is clear that the original intention was to close the road now sought to be closed after making the proposed road along

the southern boundary west of the entrance. This is the reasonable interpretation of the concluding passage of the second paragraph, namely: "The boundary to the south is the continuance of the road along Sankey's Reservoir to the junction of the present Tumkur Road and thence along the proposed road to meet the Old Tumkur Road".

5. Allow me once more to state the reason for my Council's request, already indicated in my letter No. H_2-9889 dated 10th December, 1927. The development of the Institute has made it essential to utilise the south-western triangle of the estate, but at present this very substantial and valuable area is neutralised by the considerable traffic passing along the Tumkur Road. This traffic, which has increased very materially in the last few years, already seriously diminishes the amenity of those buildings constructed on the northern side, and prevents my Council from constructing much-required buildings on the southern side.

6. Thus the advice tendered to His Highness's Government, doubtless with the very best intentions, has the probably unforeseen effect of materially diminishing the value of His Highness's princely benefaction, and I earnestly request that it may be reconsidered in the light of the foregoing representations.

---:0:---

"C O P Y"

Captain.

REGISTRAR, RESIDENT'S OFFICE.

INDIAN INSTITUTE OF SCIENCE

BANGALORE, INDIA.

POSTAL ADDRESS:
HEBBAL, BANGALORE.
ALL LETTERS, PACKAGES, &c., SHOULD BE ADDRESSED TO THE DIRECTOR.

H2-2986.
DEWAN'S OFFICE.
15 JUL 1929
No. 42

TELEGRAMS:
"SCIENCE", BANGALORE.
CODE: A.B.C. 5TH EDITION.

12th July 1929.

Amin-ul-mulk Mr.Mirza M.Ismail, O.B.E., C.I.E.,

Carlton House, Bangalore.

Dear Dewan Sahib,

I write to remind you that during May in Ooty you very kindly said you would come out here one morning and permit me to explain, on the ground itself, the very urgent need of making the projected new road in continuation of the 'Cantonment Road'; and thereafter closing that section of the 'Tumkur Road' which forms part of the Institute Estate.

I enclose an extract from a recent statement by Mr.Venkatarangaiengar which sets out the facts very clearly for your information.

I shall be grateful if the Hon'ble Member will kindly inspect the spot with Mr Forster, & discuss the matter with me. I am not sure if the proposed diversion would not be convenient to the public.

Yours sincerely,

H.E. Forster

Director.

Encl.

Please see the enclosed paper about this & otherwise there is no objection. 16/7/29

Hon'ble Member with) Md 15-7-29)

Extract from letter dated 20th June 1929 addressed to the Director, Indian Institute of Science, Bangalore, by Mr.S.Venkataranga iengar.

---

x x x x x

(i) The lands assigned to His Excellency the Governor General of India in Council under the Notification of His Highness the Maharaja of Mysore, No.G.5639-G.M.232-06-91 dated the 14th March 1907, for locating the Indian Institute of Science, out of the catchment area of Sankey's Reservoir, Bangalore, include a section of Bangalore-Tumkur Road. This section begins at the Bangalore City Boundary stone No.30 on the North of it, near the main gate of the Institute, and ends at the culvert No.6 at the junction of the Local Fund Road to Bettahalli. The Institute's Boundry stones also have been duly planted at these two important points.

(ii) The said Notification describes the Institute's Southern Boundry to be "the continuation of the road along Sankey's reservoir to the junction of the present Tumkur Road, and from thence along the proposed road to meet the old Tumkur Road." This proposed road begins at the C.B.Stone No.30 and ends at the C.B.Stone No.29. The City Municipality has also cut a trench along the same, as it lies within its Municipal limits. The Institute has accordingly planted its boundry stones also at these two prominent points, and constructed its police station facing towards this "proposed road" which is

the diversion of the section of Bangalore-Tumkur Road included in the area assigned to the Institute. The Institute had also originally built its police lines facing towards this diversion near the C.B.Stone No.29, at which point the Institute's Boundry stone also has been fixed; but subsequently the Police lines have been shifted by the Institute close to the Police Station for obvious reasons.

(iii) The Revenue Survey Department of the Mysore State having duly surveyed the lands assigned to the Institute under the above cited Notification, has furnished a copy of the Survey Map to the Institute, showing all such lands, in which the said section of Bangalore-Tumkur Road is also included; and its diversion referred to above, is also clearly delineated. Consequently in the Re-survey map of the catchment area of Sankey's Reservoir, the whole of the lands assigned to the Institute including the said section of Bangalore-Tumkur Road, have been omitted by the said survey Department.

(iv) Under such circumstances, the said section of Bangalore-Tumkur Road clearly forms part and parcel of the lands assigned to His Excellency the Governor-General of India in Council under the Notification of His Highness the Maharaja quoted above; and it is situated in the midst of such lands; and further the Institute's buildings have already sprung up on both sides of it. I believe some of the Institutes buildings have to be extended into the said section of Bangalore-Tumkur Road.

(v) In view of the above facts, I believe it is next to impossible for the Institute's Council to surrender the Institute's title to the said section of Bangalore-Tumkur Road.

2. I may here add that the City Municipality in whose limits the whole length of the proposed diversion of the said section of Bangalore-Tumkur Road lies, has already reported to Government its approval to this diversion.

3. The said section of Bangalore-Tumkur Road has merged in the "old Tumkur Road" which is generally known as the Subadar Chattram Road. The sanctioned diversion of it will likewise join this Subadar Chattram Road near the C.B.Stone No.29, at which point exists also the Institute's Boundry Stone.

4. If the Institute's title to the said section of Bangalore-Tumkur Road be surrendered, then an amended Notification will have to be published by His Highness the Maharajah in communication with His Excellency the Governor-General of India in Council, and the Survey maps of both the Institute and the catchment area of Sankey's reservoir will have to be modified and the boundries altered accordingly.

Public Works Department,

Central Office,

No. 7547

Enc. 1

Dated, Bangalore, 16 December 1929.

C.B. 2400

From Rajasevasakta

J. BHORE, Esq., A.M.I.C.E., Etc.,

Chief Engineer of Mysore,

Bangalore 794-7

To

N. Madhava Rao, Esq., B.A., B.L.,

Chief Secretary to Government,

Bangalore

CHIEF SEC. 17 DEC 1929

Subject:- Deviation of the Tumkur road near the Indian Institute of science, Bangalore.

Sir,

With reference to your letter No.2218/P.W. dated the 28th November 1929, on the above subject, I have the honour to forward herewith, a copy of letter No.H-3768 dated the 5th December 1929 received from the Director, The Indian Institute of Science, Bangalore, and to request to be informed if final orders of Government have been passed in the matter; and if so, a copy of the reply sent to the Director in regard to the deviation of the road may kindly be forwarded.

I have the honour to be,

Sir,

Your most obedient servant,

J. Bhore 14-12-29

Chief Engineer of Mysore.

Subd for orders. No final orders have yet been passed in the matter. The file connected with the question is before the 2nd Member of Council.

V.N.S. 19/12

Submitted in continuation

3rd Member

6563 29/12

P.M. Returned the file

19/12/29

19/12/29

Letter No.H.3768 dated the 5th December 1929 from the Director, The Indian Institute of Science, Bangalore, to the Chief Engineer of Mysore.

I am very much obliged by your letter No.421 dated the 28th November 1929, and enclosing copy of a letter from the Indian Grouting and Sealing Co., Bangalore. As this is dated 14th August 1929, it is almost a pity it reached me after ~~18th~~ 18th November when my Council met, and will not be holding another meeting until 17th March 1930.

Even then I cannot hold out much hope of the Council agreeing to meet the cost of asphalting the road, or any portic of it traversing the Institute estate, because on two occasion: it has approached the Government of Mysore through the Resident petitioning that the new road originally contemplated may be made, and the existing road closed.

Either this road belongs to the Institute or it does not. If it belongs to the Institute (which is quite clear fro the deed of gift) the proposed new road should be constructed, thus enabling the Institute to abate the nuisance of the exist· ing road and utilise the S.W.triangle of the estate, which it cannot now properly do. If it does not belong to the Institut it is hardly reasonable to ask the Council to pay for asphaltir it.

On the other hand, if Government could overcome its objection to closing the existing road, and thus fulfil its intention of twentytwo years ago, I consider it highly probabl that my Council would gladly share the expense of making the n road. The Standing Committee of the Court, which under regula· tion is entitled to scrutinise items of extraordinary expendi- ture proposed by the Council, has already expressed itself in favour of this action.

It may perhaps not have been realised that in 1907, before motor traffic had become general, there was no particular hardship in keeping the road open: moreover, there was ample room for building purposes on the N.E. side. Now, however, the traffic increase has become an unspeakable nuisance, and the land S.W. of the road is wanted for building.

Thus the prospective benefit to the Institute following closure of the road is very substantial. Incidentally, a minor benefit will accrue to the Government of Mysore, because the length of the new road is only two-thirds that of the existing road, with a corresponding diminution in the cost of up-keep. If you could find time to come and inspect the site, I should be very happy to explain all these points at your convenience. As long ago as last May the Dewan Saheb was kind enough to say that he would do this, but has not yet been able to make an opportunity.

"C o p y"

Chief Engineer of Mysore.

V.V.S.

Please

Is Known by 1/3

File subd the bottom file was received from the Law Secy. only today.

CHE 5/3/30.

Public Works Department,

Central Office,

No. 10310

ENC.

Dated, Bangalore, 26/2/1930.

GEN. & REV. SECTT. 4263 27 FEB 1930

FROM Rajasevasakta
J. BHORE, ESQ., A.M.I.C.E., ETC.,
Chief Engineer of Mysore,
Bangalore.

C-B. 3162

To

N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of Mysore,
Bangalore.

CHIEF SECRETARY 25 FEB 1930

Mor. T.V.

Subject:- Deviation of the Tumkur road near the Indian Institute of Science, Bangalore.

Sir,

I have the honour to invite reference to this office letter No.7547 dated the 16th December 1929 on the above subject, and to request the favour of an early reply.

I have the honour to be,

Sir,

Your most obedient servant,

J. Bhore 22.2.30

CHIEF ENGINEER OF MYSORE.

Submitted.
The file dealing with the letter ref? to having been submitted on 19-12-29 is before the 3rd Member of Council.

Submitted in continuation.

3rd Member) 1/3/30

File returned 6/3/30

T.R.S.

RG 6/3/30

O P I N I O N.

A portion of the Bangalore-Tumkur Road is included in the lands "the exclusive management of and full jurisdiction over" which, have been assigned away to the Governor General in Council by His Highness the Maharaja for so long as the said lands are used for the purpose of locating the Indian Institute of Science." It is also significant that the Southern boundary of the assigned tract is mentioned as "the continuance of the road along Sankey's Reservoir to the junction of the present Tumkur Road and thence along the proposed road to meet the old Tumkur Road". The total area assigned is said to be 371 acres and 16 guntas and it is presumed that it includes the area occupied by the road in question.

This has 4/or remained.

2. No right of way over the road is expressly reserved in the grant and the irresistible inference from the circumstances mentioned above is that it was intended to divert the Tumkur road along the proposed line to the South of

the assigned tract. The point that has now to b considered iw whether in spite of the facts stated above, the public right of way over the road in question remains unaffected. The argume in favour of the continuance of that right is mainly based upon section 36 of the Land Revenue Code, which vests the right of property in all public roads in Government and empowers the Deputy Commissioner with the sanction of Government to dispose of public roads/ "subject always to the rights of way and all other rights of the public or of individuals legally subsisting."

3. The first answer to this is that the provisions of the Land Revenue Code cannot apply to the grant made by His Highness, in his capacity as a sovereign, to the Governor General of India in Council.. Municipal law cannot apply to transactions between States, which must be judged only by the principles of International Law. Tested by this standard, it is impossible to speak of a public right of way as opposed to the State's right of property. "The community and its members, except in their State form, being

internationally unrecognised, any rights which belong to them must be clothed in the garb of State rights before they can be put forward internationally. A right of property consequently in order to possess international value, must be asserted by the State as a right belonging to itself." (Vide Hall's International Law 7th Edition page 47.).

4. Under the constitution in Mysore, His Highness exercises and is the repository of all State rights; and an act of alienation or the like done by him is by the very conception of a State binding upon all the members of it (Vide ibid 48). It is therefore impossible to contend that there can be any public right of way over the area assigned away by the Sovereign, unless it be that the assignment is itself expressly or impliedly subject to such right.

5. It is no doubt true that in this case it is not a cession of territory that is made, but only an assignment of exclusive management and full jurisdiction over it for a defined purpose.

But the consequences so far as the present purpose is concerned are the same. The exclusive management and full jurisdiction over the portion of the road included in the assigned tract vests in the Governor General, and if in exercise of that jurisdiction the road is either closed or otherwise used, it cannot be contended that any public rights of way are thereby infringed.

6 From the correspondence relating to the assignment it is clear that the assignment in the present case was intended to have an effect identical with that in the case of the Civil and Military Station, Bangalore. The laws that apply to the assigned tract are therefore not the laws of Mysore but the laws that have to be promulgated by the authority of the Governor General in Council. It is therefore not possible to apply the Mysore Land Revenue Code to the assigned tract.

7 For the above reasons it cannot be said that the public have any cause for complaint if accord-

according to the grant, the portion of the Tumkur Road within the assigned area is closed and the proposed new road is constructed. If any change in the original grant has to be made it can only be made with the consent of the Governor General in Council.

M Mahadevayya
Legal Remembrancer.
5/8/29

CB-3424

No. 11425
Enc.

PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,
Bangalore, 21st March *1930.*

FROM
Rajasevasakta
J. BHORE, ESQ., A.M.I.C.E., ETC.,
Chief Engineer of Mysore,
Bangalore.

P.S.C.
CHIEF SECRETARY
21 MAR 1930

To
N. Madhava Rao, Esq., B.A., B.L.,
Chief Secretary to Government,
Bangalore.

Subject:- Deviation of the Tumkur road near the Indian Institute of Science, Bangalore.

Sir,

I have the honor to invite reference to this office letter No.7547 dated the 16th December 1929 and subsequent reminder No.10310 dated the 24th February 1930, on the above subject and to request the favour of an early reply.

I have the honour to be,

S i r,

Your most obedient servant,

20.3.30.

Chief Engineer of Mysore.

HRR/19th.

CB 2457

Public Works Department,

Central Office,

No. 10728

ENC.

Dated, Bangalore, 15th January 1931.

FROM M.G.Rangaiya,Esq., B.A.,B.E., M.R.Sen.I., M.Am.A.E.,
Chief Engineer of Mysore,
Bangalore. GEN 3623

To

R. Ranga Rao, Esq., B.A., B.L.,
General Secretary to Government,
Bangalore

Subject:- Demarcation of the Tumkur Road near the Indian Institute of Science, Bangalore.

Sir, PP94-27-Rs 1-9 B

With reference to correspondence ending with this office U No.212 dated the 26th March 1930, I have the honour to request th this office file containing the Dewan's orders stating that the above work may lie over for the present may kindly be returned early.

I have the honour to be,
Sir,
Your most obedient servant,

N. Lakshmanachar
for Chief Engineer of Mysore.
13-1-31

RR 16/1/31

3) 17/1/31

22/1/31